

VZCZCXRO9063
RR RUEHHM
DE RUEHHI #0241 0371014
ZNR UUUUU ZZH
R 061014Z FEB 07
FM AMEMBASSY HANOI
TO RUEHC/SECSTATE WASHDC 4550
INFO RUEHHM/AMCONSUL HO CHI MINH 2482
RUEHC/DEPT OF LABOR WASHINGTON DC
RUCPDOG/DEPT OF COMMERCE WASHINGTON DC

UNCLAS HANOI 000241

SIPDIS

STATE FOR EAP/MLS AND DRL MITTELHOUSER
STATE PASS TO USTR DBISBEE AND MSANDLER
COMMERCE FOR 4431/MAC/AP/OPB/VLC/HPPHO
LABOR FOR CARTER, LI

SENSITIVE
SIPDIS

E.O. 12958: N/A

TAGS: [ELAB](#) [ECON](#) [PGOV](#) [ETRD](#) [EIND](#) [EINV](#) [VM](#)

SUBJECT: Vietnam Ratifies ILO Forced Labor Convention; Other
Conventions Trickier

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REF: 2006 HANOI 2050

¶1. (SBU) Summary: Vietnam Prime Minister Nguyen Minh Triet signed documents ratifying Vietnam's accession to the International Labor Organization's (ILO) Convention 29 on forced labor on January 29. The signing had been widely anticipated following a lengthy Vietnamese inter-ministerial review to ensure Vietnam's laws and regulations conform to the convention. An ILO member since 1992, Vietnam has now ratified five of the organization's eight core labor conventions. While ratification of the sixth convention (also on forced labor) is expected soon, ratification of the last two -- on freedom of association and collective bargaining -- present difficulties for Vietnam's Communist government. End Summary.

¶2. (U) Vietnam Prime Minister Nguyen Minh Triet signed documents ratifying Vietnam's accession to the International Labor Organization's (ILO) Convention 29 on forced labor on January 29. The signing had been widely anticipated following a lengthy Vietnamese inter-ministerial review to ensure Vietnam's laws and regulations conform to the convention.

¶3. (U) Convention 29 on Forced Labor, adopted by the ILO General Conference in 1930, stipulates that each member ratifying this convention has to adopt measures to eradicate forced or compulsory labor in all forms in the shortest possible period. One hundred seventy of the ILO's 178 members, including nine ASEAN member-countries, have joined the convention.

¶4. (SBU) Nguyen Manh Cuong, Director of the National Labor Relations Board at the Ministry of Labor, Invalids and Social Affairs (MOLISA) told EconOff that Vietnam has "stepped forward" in terms of its respect for international labor norms, with the country now having ratified five of the ILO's eight core labor conventions. Though Section 5 of Vietnam's Labor Code currently prohibits forced labor, experts note, until their repeal recently, Vietnam laws required citizens to "volunteer" annually for the public good or pay a fee to avoid doing so. The repeal of this law was seen as the last significant hurdle before Vietnam could ratify Convention 29.

¶5. (SBU) An ILO member since 1992, Vietnam has now ratified five of the organization's core labor conventions (Convention 100 on Equal Remuneration, 111 on Discrimination, 138 on Minimum Age, 182 on Elimination of Worst Forms of Child Labor, and 29 on Forced Labor). Mr. Cuong stated last year MOLISA expected Vietnam would ratify Convention 105 on the Abolition of Forced Labor at the same time it ratified Convention 29. However, he told Econoff that officials in

one or more ministries have held up the ratification of the convention until later pending resolution of unspecified concerns.

¶6. (SBU) The two other ILO core conventions -- number 87 on the Freedom of Association and the Protection of the Right to Organize and number 98 on the Right to Organize and Collective Bargaining -- are more problematic for the GVN. Article 7 (2) of the Labor Code and Article 1(2) of the Law on Trade Unions both grant workers the right to establish and join trade unions. Workers can only participate in Unions affiliated with the Community Party-led Vietnam General Confederation of Labor, however. MOLISA has said that government lawyers are engaging in a legal review of the conventions, but labor experts do not expect ratification anytime in the near future.

¶7. (U) Vietnam has ratified another 12 non-core ILO conventions: 5, 6, 14, 27, 45, 80, 81, 116, 120, 123, 124, and 155. It also affirmed the ILO's Declaration on Fundamental Principles and Rights at a workshop on freedom of association and collective bargaining in October 2004.

MARINE